APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,061	01/12/2001	Joshua P. Walsky	M-9724 US	2600

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ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/760,061	WALSKY, JOSHUA P.
	Examiner	Art Unit	
	Yogesh C. Garg	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _25 May 2005_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-28 and 35-51_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-28 and 35-51_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _5/16/05 & 2/18/05_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

5/25/2005 has been entered.

Response to Amendment

2.   The applicant's amendment received on 5/25/2005 is acknowledged and

entered. Claims 1, 6, 8, 15, 22, 35-39, and 46 have been amended. New claims 47-51

have been added. Claims 1-28 and 35-51 are pending for examination.

Response to Arguments

3.1.   Objection to claim 6 is withdrawn in view of current amendment made to this

claim.

3.2..   Applicant's arguments with respect to claims 1-28 and 35-51 have been

considered but are moot in view of the new ground(s) of rejection necessitated due to

amendment to claims 1, 6, 8, 15, 22, 35-39, and 46 and addition of new claims 47-51 .

      The applicant's arguments that the reference Bezos does not teach "agreeing to

said first offered price data by transmitting product-related information to the server for

storage in a subportion of said plurality of server address, wherein the product-related

information includes the first offered price data of the product", are not persuasive.

See at least FIG.1, col.7, line 51-col.8, line 31, which discloses displaying

information about a selected product, such as price inventory, etc and the user shows

agreement for accepting this price by selecting it and transmitting this information, which

is product-related to a customer " shopping cart". The shopping cart is a customer

specific data structure associated with an identification code in the form of a cookie

which identifies a specific customer and corresponds to a sub-portion of said plurality of

server addresses [plurality of server addresses refer to plurality customer specific

shopping carts stored at the merchant web site] and the selected product information

including the offered price, which becomes agreed price data on selection and

transmission to shopping cart implies that it is stored in the customer's shopping cart in

the server. Also see col.12, lines 19-44 and col.13, line 9-col.15, line 60. The customer's

action of selecting a product with the displayed offered price means transmitting a signal

of acceptance for that product including the product-related information, that is the first

offered price data of the product, and this satisfies the newly added limitations to claim

1. Further, as analyzed above the transmitted signal of acceptance is stored in the

"shopping cart" which is a subportion of the server's storage and forms one of the

plurality of server addresses for the plurality of customers' shopping carts. Each of

these shopping carts has its own identification code in the form of a cookie and they

store the customer's selection of displayed products including product-related

information such as price information and which is the agreed first offered price data,

see at least col.13, line 9-col.15, line 60, Figs. 8 and 9 which explicitly disclose that the

shopping cart stores the customer's transmitted selection of products and the product-

related information, such as price (Figs. 8 and 9 show the stored product-related information, including first offered price data, on receipt of selection signals (that is transmitted by the customer) from the customer.

The applicant further argues that Bezos does not teach " changing said agreed price data to a second offered price data in response to an event". The examiner respectfully disagrees. As analyzed above, the shopping cart stores the transmitted signals of selection of products and product-related information, such as price. Further, see examples illustrated in Bezos (col.15, lines 16-60) the user selects books and store information including price about the selected books in the shopping cart. Bezos allows user to make a change in the selections made earlier and stored in the shopping cart, wherein these changes made to his earlier selections would inherently result to a new offered price data for the changed selection of books.).

As regards the limitations in the newly added claims 47-51, that is, " agreement to said price is effected by storing said product-related information in said sub-portion of said addresses associated with said server", Bezos teaches the same because see at least col.13, line 9-col.15, line 60, Figs. 8 and 9 which explicitly disclose that the shopping cart stores the customer's transmitted selection of products and the product-related information, such as price (Figs. 8 and 9 show the stored product-related information, including first offered price data, on receipt of selection signals (that is transmitted by the customer) from the customer.

In view of the foregoing, rejection of claims 1-28 and 35-51 is sustainable on the

basis of earlier art of record. Accordingly, **THIS ACTION IS MADE FINAL** even though

it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the

extension of time policy as set forth in 37 CFR 1.136(a).

Claim Rejections - 35 USC § 102

4   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6, 8-10, 13, 15-17, 20, 22-24, 27, 35, 36, 37, 38, 39-41, 44 and 46-51

are rejected under 35 U.S.C. 102(e) as being anticipated by Bezos et al. (US Patent

6,029,141), hereinafter referred to Bezos.

Regarding currently amended claim1, Bezos discloses a method,

employing a browser in data communication over a network with a server, for

determining a price of a product, said server having a plurality of addresses associated

therewith (see FIG.1 at least which shows an architecture including reference number

"112" a browser, reference number "152" a database including a plurality of addresses

in the form of shopping cart data structures and a web site "116" including a server for

determining a price of a product) , said method comprising:

displaying information concerning said product in a browser window, said

information including on a first offered price data of said product, agreeing to said first

offered price data by transmitting product-related information to the server for storage

in said a sub-portion of said plurality of server addresses, wherein said product-related

information includes said first offered price data of the product and wherein the sub-

portion of said plurality of server addresses are associated with an identification code

corresponding to a user of the browser, wherein the agreed to offered price data defines

agreed price data (see at least FIG.1, col.7, line 51-col.8, line 31, which discloses

displaying information about a selected product, such as price inventory, etc and the

user shows agreement for accepting this price by selecting it and transmitting this

information, which is product-related to a customer " shopping cart". The shopping cart

is a customer specific data structure associated with an identification code in the form of

a cookie which identifies a specific customer and corresponds to a sub-portion of said

plurality of server addresses [plurality of server addresses refer to plurality customer

specific shopping carts stored at the merchant web site] and the selected product

information including the offered price, which becomes agreed price data on selection

and transmission to shopping cart are stored in the server. Also see col.12, lines 19-44

and col.13, line 9-col.15, line 60. The customer's action of selecting a product with the

displayed offered price means transmitting a signal of acceptance for that product

including the product-related information, that is the first offered price data of the

product, and this satisfies the newly added limitations to claim 1. Further, as analyzed

above the transmitted signal of acceptance is stored in the "shopping cart" which is a

subportion of the server's storage and forms one of the plurality of server addresses for

the plurality of customers' shopping carts. Each of these shopping carts has its own

identification code in the form of a cookie and they store the customer's selection of

displayed products including product-related information such as price information and

which is the agreed first offered price data, see at least col.13, line 9-col.15, line 60,

Figs. 8 and 9 which explicitly disclose that the shopping cart stores the customer's

transmitted selection of products and the product-related information, such as price (

Figs. 8 and 9 show the stored product-related information, including first offered price

data, on receipt of selection signals (that is transmitted by the customer) from the

customer.); and

changing said agreed price data to said a second offered price data in response

to an event (see at least col.12, lines 19-26, " ...... *allows the customer to add the selected*

product to the shopping cart (described below). The Web server 132 also serves Web pages (including

dynamically-generated pages) ***that display and allow the customer to edit the contents of the***

shopping cart, ... "col.15, lines 16-60 and col.17, lines 30-37, " *The ISBN for each edition*

(hardcover, paperback, book on tape) is displayed on the detail page for that book......Remember--you

may change which books you list whenever you like. *You won't need our permission and it's not even*

necessary to advise us of the changes--they'll be automatically detected and commissioned properly. ".

Bezos allows to make changes to their selections stored in the shopping carts and

these changes in the shopping carts correspond to an event in response to which the

earlier stored agreed price data will change to another or second offered price data. See

examples illustrated in Bezos (col.15, lines 16-60) the user selects books and store

information including price about the selected books in the shopping cart. Bezos allows

user to make a change in the selections made earlier and stored in the shopping cart,

wherein these changes made to his earlier selections would inherently result to a new

offered price data for the changed selection of books.).

Regarding claim 2, Bezos further discloses that the method as recited in claim 1

wherein said event is a predetermined event that includes expiration of a preset amount

of time (see at least col.8, lines 2-6, " ...... *each shopping cart persists on the site 106 for an*

extended period of time [such as one week] following the most recent access by the customer, allowing

the customer to conduct extended shopping sessions... ". The expiration of customer specific

shopping cart within a week if the customer does not access it within a week's time to

make a change I his selections corresponds to change in data stored due to a

predetermined event that includes expiration of a preset amount of time.

Regarding claim 3, Bezos teaches that the method as recited in claim 1 wherein

said event is a predetermined event that includes disassociating said information from

said sub-portion of said plurality of addresses (see at least col.8, lines 2-6, " ...... *each*

shopping cart persists on the site 106 for an extended period of time [such as one week] following the

most recent access by the customer, allowing the customer to conduct extended shopping sessions... ".

The expiration of customer specific shopping cart within a week if the customer does not

access it within a week's time to make a change in his selections corresponds to a

predetermined event that includes disassociating said information from said sub-portion

of said plurality of addresses because the shopping cart, the data structure which

included the earlier information will not exist in the shopping cart database.

Regarding claim 6, Bezos discloses that the method as recited in claim 2 wherein

said preset time is in a range of one to ten days (see at least col.8, lines 2-6, " ......*each*

shopping cart persists on the site 106 for an extended period of time [such as one week] following the

most recent access by the customer, allowing the customer to conduct extended shopping sessions... ".

Note: The example of preset time "such as one week" falls within the claimed range of 1

to 10 days.).

Regarding claim 35, Bezos discloses that the method of claim 1 wherein said

event corresponds to a change in a specification of said product (see at least col.12,

lines 19-26, " .... *The Web server 132 also serves Web pages (including dynamically-generated*

pages) that display and allow the customer to edit the contents of the shopping cart, ...

"col.15, lines 16-60 and col.17, lines 30-37, " *The ISBN for each edition (hardcover, paperback,*

book on tape) is displayed on the detail page for that book......Remember--you may change which

books you list whenever you like. You won't need our permission and it's not even necessary to advise

us of the changes--they'll be automatically detected and commissioned properly. ". Note: making

changes to their selections stored in the shopping carts implies a change in selection of

a book by changing ISBN number or title or a paperback instead of hard cover and such

changes correspond to a change in specification.).

Regarding claim 47, Bezos teaches that agreement to said price is effected by

storing said product-related information in said sub-portion of said addresses associated

with said server (see at least col.13, line 9-col.15, line 60, Figs. 8 and 9 which explicitly

disclose that the shopping cart stores the customer's transmitted selection of products

and the product-related information, such as price [Figs. 8 and 9 show the stored

product-related information, including first offered price data, on receipt of selection

signals (that is transmitted by the customer) from the customer].

Regarding claims 8-10, 13, 15-17, 20, 22-24, 27, 36-41, 44, 46 and 48-51, their

limitations are closely parallel to the limitations of claims 1-3, 6, 35 and 47 and are

therefore analyzed and rejected as being anticipated by Bezos based on same

rationale.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.1.   Claims 4-5, 11-12, 18-19, 25-26, and 42-43 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Wolfe.

Regarding claims 4-5, Bezos as applied to claim 1 teaches a method, employing

a browser in data communication over a network with a server, for determining a price

of a product, said server having a plurality of addresses associated therewith. Bezos

further teaches that his invention though described by way of certain preferred

embodiments, such as the products are books , they should not limit the scope of his

invention (see at least col.16, lines 43-48). The product in Bezos could cover any item

other than books as well. It has also been analyzed earlier in claims 1 and 35 that

changing said agreed price takes place in response to an event such as change in

specifications, that is varying characteristics of the information of the product already

stored in the shopping cart that is sub-portion of the plurality of addresses in the web

server. However, Bezos does not explicitly disclose that the product information

corresponds to an automobile. However, in the field of same endeavor, that is

conducting electronic commerce of buying and selling products online, Wolfe teaches

displaying information corresponding to characteristics of an automobile (see at least

Figs 14-16 and col.10, line 15-col.11, line 24, " .... *In one example, FIG. 14*

generally illustrates an example of a used vehicle search request for an Acura 3.5RL. Clicking on a

hypertext link 1402 using a pointing device such as a mouse, or the like, may advantageously display

another web page as generally illustrated by FIG. 15......... FIG. 7 illustrates a set of information fields

comprising a new vehicle purchase request record according to one embodiment of the invention. Fifteen

fields are illustrated comprising new vehicle purchase request identification number 702, submit time

stamp 704, dealer identification number 706, vehicle make 708, vehicle model 710, vehicle model year

712, purchase time frame 714, vehicle specifics 716, requested accessories 718, requested aftermarket

products 720,").

In view of Wolfe, it would have been obvious to one of an ordinary skill in the art,

at the time of the applicant's invention, to have modified Bezos to incorporate the

feature of displaying characteristics of an automobile because it will allow the users to

conduct extended sessions for automobile purchases and obtain competitive prices for

automobiles , as per their choice, from different online sources, while interrupting the

sessions and storing the displayed information on automobiles in the customer specific

shopping cart on the web site for some time, such as seven days, which would enable

them to think over various offers, compare them in order to make an informed

purchased decision to purchase or not to purchase an automobile from the convenience

of his office desk or home.

Regarding claims 11-12, 18-19, 25-26, and 42-43, their limitations are closely

parallel to the limitations of claims 4-5 and are therefore analyzed and rejected as being

unpatentable over Bezos in view of Wolfe based on same rationale.

5.2.   Claims 7, 14, 21, 28 and 45 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bezos in view of the reference Franklin.

Regarding claim 7, Bezos, as applied to claim 1, teaches a method, employing a

browser in data communication over a network with a server, for determining a price of

a product. It ahs already been analyzed in claim 1 that Bezos teaches that the said

information about a product includes information on price (see at least col.7, lines 51-

60; information on product price corresponds to MSRP) and that in response to an

event such as changing the selection of book will vary this stored price which

corresponds to the agreed price data only independently of taxes. Bezos does not

explicitly disclose that said information includes taxes associated with a geographic

region. However, Franklin, in the field of same endeavor, that is of conducting

purchasing and selling products on www teaches that product information includes

taxes associated with a geographic region (see at least col.15, lines 12-24, " ...... *The*

commerce server 130 performs two primary tasks....retrieves various data items in connection with a

product....price, expiration date, tax, and shipping charges....". Note: taxes and shipping charges

are calculated as applicable for the geographic location, where the item is to be

shipped. Franklin teaches collecting the information about the shipping address (see

col.15, lines 47-51, "*.....shipping address data 142, all of which has been selectively stored....*"). In

view of Franklin, it would have been obvious to one of an ordinary skill in the art at the

time of the applicant's invention to have modified Bezos to incorporate the feature of

including taxes associated with a geographic location, where the goods are to be

shipped because , as indicated in Franklin, by providing/calculating the shipping cost

information inclusive of taxes before the user decides to purchase the item will enable

the user to make an informed purchase decision, specially when this shipping cost may

differ from one merchant to another.

Regarding claims 14, 21, 28 and 45, their limitations are closely parallel to the

limitations of claim 7 and is therefore analyzed and rejected as being unpatentable over

Bezos in view of Franklin based on same rationale.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

(i) US Patent 6,598, 026 to Ojha et al discloses a method and system , *"facilitating*

a transaction between a buyer and one of a plurality of sellers via the Internet. Product information

relating to a plurality of products meeting product criteria specified by the buyer is presented via the

Internet. One of the plurality of sellers is associated with each of the products. A first bid from the buyer

for a first one of the plurality of products is made available via the Internet to a first seller associated with

the first product. A first bid response is presented via the Internet to the buyer according to response

criteria specified by the first seller. Where the first bid response is an acceptance of the first bid,

consummation of the transaction is facilitated. Where the first bid response is a counteroffer, further

negotiation via the Internet between the buyer and the first seller is enabled. " (Abstract)

7.   This is a request for continued examination under 37 CFR 1.114 of applicant's

earlier Application No. 09/760061. All claims are drawn to the same invention claimed

in the earlier application and could have been finally rejected on the grounds and art of

record in the next Office action if they had been entered in the earlier application.

Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case.

See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set

forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
August 6, 2005